IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

SPECIAL CIVIL APPLICATION NO.16090 OF 2004

For Approval and Signature:

HON'BLE MR.JUSTICE RAVI R.TRIPATHI

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1. Whether Reporters of Local Papers may be allowed to see the judgements? : YES

2. To be referred to the Reporter or not? : NO

3. Whether Their Lordships wish to see the fair copy of the judgement? : NO

4. Whether this case involves a substantial question of law as to the interpretation of the Constitution of India, 1950 of any Order made thereunder? : NO

5. Whether it is to be circulated to the concerned Magistrate/Magistrates,Judge/Judges,Tribunal/Tribunals? : NO

MADHUSUDAN RADHESHYAM DAVE

Versus

PALANPUR NAGAR PALIKA

Appearance:

1. Special Civil Application No. 16090 of 2004

MR. MUKESH H RATHOD for Petitioner

MR. H.S. MUNSHAW for Respondent

CORAM : HON'BLE MR.JUSTICE RAVI R.TRIPATHI

Date of decision: 09/02/2005

ORAL JUDGEMENT

1. Rule.

Mr.H.S.Munshaw, learned Advocate, appears and waives service of Rule on behalf of the respondent.

At the joint request of the learned Advocates for the parties, the matter is taken up for final disposal.

2. The petitioner-workman, has approached this Court being aggrieved of Judgement and Award dated 30th May, 2000 passed by the learned Presiding Officer of the Labour Court, Palanpur in Reference (LCP) No.273 of 1996.

The learned Presiding Officer of the Labour Court has partly allowed the Reference and has ordered the respondent-Nagarpalika to reinstate the petitioner on his original post, with continuity of service and 50% back-wages, within 30 days from the date of publication of the award.

3. Initially, the petition was filed challenging the denial of 50% back-wages also. It was also prayed that the petitioner-workman be paid 100% back-wages. However, on 14th December, 2004, the petitioner sought permission to delete the aforesaid two prayers, being 9(A) and (B). Therefore, now, the only prayer for payment of 50% back-wages survives.

4. Mr.H.S.Munshaw, learned Advocate appearing for the respondent-Nagarpalika, could not convince this Court as to why the said part of the award should not be implemented by the Nagarpalika. He could not point out any valid reason/s for which that part of the award requires to be varied by this Court. However, Mr.Munshaw requested that looking to the financial burden, which is going to be caused by implementation of this part of the award, the effect of it be diluted by awarding reasonable installments. According to him, approximately Rs.70,000=00 is payable towards back-wages calculated at the rate of 50%.

5. There being no serious contest to this request, it is directed that the respondent-Nagarpalika shall pay the arrears of back-wages in ten equal monthly installments, starting from March-2005. The Ist installment be paid on or before 15th March, 2005 and other subequent installments on 15th of every following month. Consequently, the impugned judgement and award is modified, by extending the time limit to pay the arrears, to that limited extent only. With this direction, the petition is disposed of. Rule is made absolute. No order as to costs.

(Ravi R. Tripathi, J.)
kamlesh*